

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAUL HARDEN,

Plaintiff,

v.

SERGEANT SAHAD and LORIE BADGER,

Defendants.
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ORDER

19 CV 3839 (VB)

By letter dated June 22, 2020, plaintiff, proceeding pro se and in forma pauperis, notified the Court of his updated address at 416 East 137th Street, Bronx, New York, 10454, and requested an extension of time to oppose defendants' motion to dismiss. (Doc. #42).

By Order dated June 29, 2020, the Court extended to July 27, 2020, plaintiff's deadline to file an opposition to defendants' motion to dismiss. (Doc. #43). The June 29 Order also instructed the Clerk to update plaintiff's address on the docket to the address provided by plaintiff in his June 22 letter. (Id.).

The June 29 Order was mailed to plaintiff at his updated address: Paul Harden, 416 East 137th Street, Bronx, NY 10454. However, on July 9, 2020, the Court received notice that this mailing was returned as undeliverable with the following notation: "Return to Sender, Not Deliverable as Addressed, Unable to Forward."

Although plaintiff did not list an apartment number for his updated address in his June 22 letter, the envelope in which plaintiff mailed the June 22 letter indicates plaintiff's address as 416 East 137th Street, Apartment 2F, Bronx, New York, 10454. (Doc. #42 at ECF 2).

Accordingly, it is HEREBY ORDERED:

The Court extends, one last time, plaintiff's deadline to oppose the pending motion to dismiss. **Plaintiff's opposition is now due September 8, 2020. If plaintiff fails to oppose the motion by September 8, 2020, the motion will be deemed fully submitted and unopposed.** If plaintiff opposes the motion, defendants' reply, if any, shall be due September 15, 2020.

The Clerk is instructed to update plaintiff's address on the docket to the following:

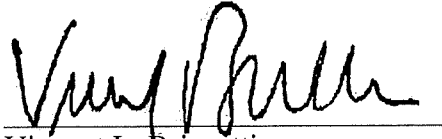
Paul Harden
416 East 137th Street
Apartment 2F
Bronx, NY 10454

Chambers will mail a copy of this Order to plaintiff at the above address.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Dated: August 7, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge